

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

ROBERT P. MAGYAR	:	CIVIL ACTION
	:	
	:	
v.	:	
	:	
JERRY KENNEDY, CLIFFORD	:	NO. 12-5906
PEACOCK, and CLEANAN J.	:	
WATKINS	:	

**ORDER**

**AND NOW**, this 20<sup>th</sup> day of November, 2013, upon consideration of Defendants' Motion to Dismiss Count One of Plaintiff's Second Amended Complaint (Docket No. 23), all documents filed in connection therewith, and the Hearing held on November 5, 2013, and for the reasons stated in the accompanying Memorandum, **IT IS HEREBY ORDERED** that the Motion is **DENIED**.

BY THE COURT:

/s/ John R. Padova  
John R. Padova, J.